

BAY COUNTY ELECTION COMMISSION
PORTSMOUTH TWP. CLARITY
MAY 7, 1992

THE BAY COUNTY ELECTION COMMISSION MET ON THURSDAY, MAY 7, 1992 IN THE EXECUTIVE GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THIS SESSION HAD BEEN CALLED FOR THE PURPOSE OF REVIEWING PETITIONS AS SUBMITTED FOR THE RECALL OF PORTSMOUTH TOWNSHIP SUPERVISOR, ROBERT PAWLAK AND TRUSTEE, VIRGIL GATZA. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DONER AT 11:35 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS IN ATTENDANCE.

ROLL CALL: HON. PAUL DONER, CHAIRMAN
CAROLINE KROL, TREASURER
BARBARA ALBERTSON, CLERK

OTHERS PAT DUGGAN, CORPORATION COUNSEL
PRESENT: CYNTHIA A. LUCZAK, SECRETARY
ROBERT PAWLAK, SUPERVISOR
JUDY BUKOWSKI, TWP. CLERK
VIRGIL GATZA, TWP. TRUSTEE
CHARLES PAWLAK, TWP. TRUSTEE
LESLIE O. JOHNSON, PETITIONER

CHAIRMAN DONER STATED THE MEETING HAD BEEN CALLED TO REVIEW THE TWO (2) PETITIONS SUBMITTED BY MR. LESLIE JOHNSON IN THE RECALL OF THE PORTSMOUTH TOWNSHIP SUPERVISOR AND ONE TOWNSHIP TRUSTEE.

WITH THE MEETING HELD IN ACCORDANCE WITH THE OPEN MEETINGS ACT, CHMN. DONER OFFERED TO ACCEPT PUBLIC COMMENT AT THIS TIME.

SUPERVISOR ROBERT PAWLAK VOICED HIS COMMENTS TO THE ELECTION COMMISSION. HE HAD CALCULATED THE AMOUNT OF MONEY SPENT EVERY TIME THE ELECTION COMMISSION MET. ALSO, THAT THE PETITIONS FILED AT THIS RECALL WERE "FRIVOLOUS" IN HIS OPINION. QUESTIONED WAS WHETHER OR NOT THE ELECTION COMMISSION WAS AUTHORIZED TO FINE MR. JOHNSON FOR PRESENTING PETITIONS CONSIDERED "FRIVOLOUS" AS JUDGE WM. CAPRATHE LEVIED COURT COSTS BASED ON SIMILAR CIRCUMSTANCES IN FORMER COURT ISSUES. MR. PAWLAK NOTED THE PETITION ALSO EXCEEDED THE 200 WORD LIMITATION FOR PLACEMENT APPROVAL.

MR. LES JOHNSON CONTENDED APPROXIMATELY FIFTEEN (15) PROPERTY OWNERS WITHIN THE TOWNSHIP HAD RECEIVED A REFUND ON TAXES FROM THE TAX TRIBUNAL AND SOME OF THE RESIDENTS MAY RECEIVE SERVICES OF THE SEWER PROJECT AT LITTLE OR NO COST. REFERENCE WAS MADE TO ASSESSMENTS OF OTHER RESIDENTS WHICH HAD BEEN LOWERED BY THE TOWN-

MAY 7, 1992

SHIP ASSESSOR. MR. JOHNSON QUESTIONED THE QUALIFICATIONS OF THE TOWNSHIP ASSESSOR DUE TO HIS LACK OF PRIOR EXPERIENCE. EVEN WITH CORRECTIONS IN RECENT ASSESSMENTS, MR. JOHNSON CLAIMED HIS PROPERTY WAS 88% OVER ASSESSED WITH OTHERS STILL UNDER ASSESSED.

TRUSTEE, VIRGIL GATZA, DID NOT FEEL THE RECALL PETITION PRESENTED AT THIS CLARITY HEARING "HAD ANYTHING TO DO WITH HIM BEING A TRUSTEE". FURTHER, AS MR. JOHNSON HAD COMPLAINED ABOUT MR. GATZA'S TAXES TO THE TAX TRIBUNAL, THE TAX TRIBUNAL REFRAINED FROM INCREASING MR. GATZA'S TAXES TO THE LEVEL OF WHICH MR. JOHNSON RECOMMENDED. MR. GATZA NOTED HE DID NOT APPRECIATE BEING REFERRED TO AS A "PARASITE" WITHIN THE PETITION LANGUAGE.

CHAIRMAN DONER ACCEPTED ANY ADDITIONAL COMMENTS AS TO THE CLARITY OF THE PETITION LANGUAGE.

MR. JOHNSON HAD A REBUTTAL STATEMENT BUT ONE WHICH DID NOT REFER TO PETITION CLARITY.

MR. PAWLAK INDICATED THE PETITION RECALLING HIM FROM OFFICE EXCEEDED THE 200 WORD LIMITATION AS PRESENTED. THAT THE PETITION WAS HARD TO UNDERSTAND AND UNCLEAR.

CLERK ALBERTSON QUESTIONED THE CLARITY OF THE PETITION RECALLING MR. GATZA FROM THE BOARD AS LANGUAGE WITHIN THE PETITION REFERRED TO FOUR/FIVE DIFFERENT RESIDENTIAL ADDRESSES.

MOTION #1: CLERK ALBERTSON MOVED TO DISAPPROVE THE PETITION SUBMITTED FOR RECALL OF PORTSMOUTH TOWNSHIP TRUSTEE, VIRGIL GATZA. IT WAS TREASURER CAROLINE KROL WHO SUPPORTED THE MOTION AS CARRIED BY UNANIMOUS ROLL CALL VOTE. CHAIRMAN DONER STATED THE PETITION WAS THUS DISAPPROVED FOR A LACK OF CLARITY.

COMMISSION MEMBERS THEN DISCUSSED THE PETITION TO RECALL SUPERVISOR, ROBERT PAWLAK. IT WAS THE OPINION OF THE BOARD, THE PETITION LANGUAGE COULD NOT BE REDUCED TO BE WITHIN THE 200 WORD LIMITATION, AFTER APPROVAL. FURTHER, THE LANGUAGE WAS CUMBERSOME AND INDIRECT.

MOTION #2: CAROLINE KROL MOVED TO DISAPPROVE THE PETITION RECALLING ROBERT PAWLAK FROM THE OFFICE OF PORTSMOUTH TOWNSHIP SUPERVISOR AS IT DID NOT REFLECT THE WORDING LIMITATIONS TO BE PRESENTED TO THE VOTERS. IT WAS SUPPORTED BY CHAIRMAN DONER & PASSED BY UNANIMOUS ROLL CALL-3 YEAS, 0 NAYS.

FOLLOWING DISAPPROVAL OF PETITIONS RECALLING THE PORTSMOUTH TOWNSHIP SUPERVISOR AND ONE TRUSTEE, THE MEETING WAS RECESSED AT 11:50 A.M.

RESPECTFULLY SUBMITTED

BARBARA ALBERTSON
BAY COUNTY CLERK